

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 59-116 are pending in the application.

In the outstanding Official Action, Claims 76-78, 84-86, 92-94, 100, 101 and 109 were rejected under 35 U.S.C. §102(b) as anticipated by Noneman (U.S. Patent 5,887,252); Claims 79-83, 87-91, 95-99, 102, 103, 110 and 111 were objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and Claims 59-75, 104-108 and 112-116 are allowed.

Applicants appreciatively acknowledge the indication of allowable subject matter. However, since Applicants consider that independent Claims 76, 84, 92, 100 and 109 patentably define over the applied reference, the remaining dependent claims are presently maintained in dependent form.

With regard to the rejection of Claim 76 under 35 U.S.C. §102(b) as anticipated by Noneman, that rejection is respectfully traverses.

Claim 76 recites, *inter alia*, a multicast service providing method, wherein:

“the information distributing apparatus informs all the radio terminals present in the service area of information for identifying multicast information on distribution and radio channels used for the distribution of the multicast information by using a predetermined radio channel...”

On page 2, lines 14-17, the outstanding Office Action cites column 4, lines 25-55 as describing this feature. However, this portion of Noneman describes an origination message that is sent from a mobile station to a base station. Thus, the cited portion of Noneman does not teach or suggest any communication from an information distributing apparatus to radio terminals, much less “the information distributing apparatus informs all the radio terminals

present in the service area of information for identifying multicast information on distribution and radio channels used for the distribution of the multicast information by using a predetermined radio channel,” as recited in Claim 76.

As Noneman fails to teach or suggest the above cited feature of Claim 76, it is respectfully submitted that Claim 76 (and Claims 77-83 dependent therefrom) is not anticipated by Noneman and is patentable thereover.

Further, as independent Claims 84, 92 100, and 109 recite similar subject matter as Claim 76, Claims 84, 92, 100, and 109 (and Claims 85-91, 93-99, 101-103, 110, and 111 dependent therefrom) are patentable over Noneman for at least the reasons described above with respect to Claim 76.

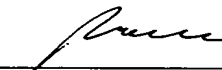
Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 59-116 is patentably distinguishing over the cited art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073